THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.21236 of 1999

DATED: 17-04-2007

Between:-

Ch. Narayan Reddy

.. Petitioner

and

The State of A.P. represented by Secretary, Forest Department and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.21236 of 1999

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 2nd respondent-Divisional Forest Officer, Mancherial, Adilabad District in issuing proceedings, dated 17.08.1999, in Rc.No.160/98-S8, directing the petitioner to pay the sale amount of excess leaf assessed i.e. 143.055 SBs. @ Rs.606.00 per S.B. along with taxes within seven days from the date of issuance of the proceedings, otherwise, the said amount will be adjusted by encashing the bank guarantee available with the office, as arbitrary, illegal and contrary to the guidelines of the 1st respondent, dated 20.11.1998, and to set aside the same.

There is no necessity of going into all the details.

Admittedly, against the impugned proceedings passed by the 2nd respondent- Divisional Forest Officer, Mancherial, a statutory appeal is provided under the A.P. Forest Act. Without exhausting the said remedy available to him, the petitioner approached this Court and filed the present writ petition. Hence, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed giving liberty to the petitioner to approach the appellate authority and file a regular appeal. However, the authorities shall not encash the bank guarantee till the

disposal of the said appeal. No costs.

GOPALA KRISHNA TAMADA, J

17th April, 2007
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